

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

FRANK ZORRILLA MALDONADO  
EX REL:

CELENIA FERNANDEZ TRONCOSO,

Plaintiff,

v.

MARIA F. VELEZ PASTRANA, ET AL.,

Defendants.

CIV NO. 04-1759 (PG)

**ORDER**

Before the Court is defendants' Motion for Reconsideration (Docket No. 16) regarding this Courts' Opinion and Order (Docket No. 14) remanding this case to state court.

Defendants insist that plaintiff's Law 80 claim is preempted by ERISA and point to several cases in support of their argument.

The Court has reviewed these cases as well as the ones cited in its Opinion and Order and finds no reason to alter its conclusion.

Therefore, upon revisiting the record, the four-corners<sup>1</sup> of the complaint, and the applicable law the Court **denies** defendants' motion (Docket No. 16.)

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, March 8, 2006.

S/JUAN M. PEREZ-GIMENEZ  
U. S. DISTRICT JUDGE

---

<sup>1</sup> Franchise Tax Bd. v. Construction Laborers Vacation Trust, 463 U.S. 1, 10 1983); Aroostook Band of Micmacs v. Ryan, 404 F.3d 48, 56 (1st Cir. 2005); Rossello-Gonzalez v. Calderon-Serra, 398 F.3d 1, 10 (1st Cir. 2004) ; Penobscot Nation v. Georgia-Pacific Corp., 254 F.3d 317, 321 (1st Cir. 2001); Hernandez-Agosto v. Romero-Barcelo, 748 F.2d 1, 2-3 (1 st Cir. 1984); Charles D. Bonanno Linen Service, Inc. v. McCarthy, 708 F.2d 1, 3 (1st Cir. 1983) cert. denied, 464 U.S. 936(1983).